Case 5:03-cv-05878-JW Document 80 Filed 05/10/06 Page 1 of 4

OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. Defendants. Defendants. SIFULATED REQUEST FOR EXPEDITED HEARING AND BRIEFING SCHEDULE ON MOTION FOR PROTECTIVE ORDER AND ORDER (CIVIL LOCAL RULE 6-2) DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)				
BERGESON, LLP 303 Almaden Boulevard, Suite 500 San Jose, CA 95110-2712 Telephone: (408) 297-6000 Attorneys for HERBALIFE INTERNATIONAL, INC. Juanita Brooks (SBN 75934/brooks@fr.com) Carlyn Hacker (SBN 227851/hacker@fr.com) FISH & RICHARDSON P.C. 12390 El Camino Real San Diego, CA 92130-2081 Telephone: (858) 678-5099 Attorneys for Plaintiffs UntiTHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE Additional Counsel Appear On Signature Page UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION HERBALIFE INTERNATIONAL, INC., Plaintiff, V. UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. Case No. C03-5878 (JW) & C03-5090 (JW) Related Case Nos. C02-5284 (JW) & C03-6015 (JW) STIPULATED REQUEST FOR EXPEDITED HEARING AND BRIEFING SCHEDULE ON MOTION FOR PROTECTIVE ORDER AND ORDER (CIVIL LOCAL RULE 6-2) DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	1	Hway-Ling Hsu (Bar No. 196178/hhsu@be-law.com) BERGESON, LLP		
San Jose, CA 95110-2712 Telephone: (408) 291-6200 Facsimile: (408) 297-6000	2			
4 Facsimile: (408) 297-6000 Attorneys for HERBALIFE INTERNATIONAL, INC. Juanita Brooks (SBN 75934/brooks@fr.com) Carlyn Hacker (SBN 227851/hacker@fr.com) FISH & RICHARDSON P.C. 12390 El Camino Real San Diego, CA 92130-2081 Telephone: (858) 678-5070 Facsimile: (858) 678-5099 Attorneys for Plaintiffs UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE Additional Counsel Appear On Signature Page UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION HERBALIFE INTERNATIONAL, INC., Plaintiff, v. Plaintiff, v. Case No. C03-5878 (JW) & C03-5090 (JW) Related Case Nos. C02-5284 (JW) & C03-0415 (JW) UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND OF TRUSTEES OF THE LELAND DSTANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. Case No. C03-5878 (JW) & C03-0415 (JW) STIPULATED REQUEST FOR EXPEDITED HEARING AND BRIEFING SCHEDULE ON MOTION FOR PROTECTIVE ORDER AND ORDER (CIVIL LOCAL RULE 6-2) DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	3	San Jose, CA 95110-2712		
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7 FISH & RICHARDSON P.C. 12390 El Camino Real 8 San Diego, CA 92130-2081 Telephone: (858) 678-5079 Facsimile: (858) 678-5099 10 Attorneys for Plaintiffs UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD 11 JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE 12 Additional Counsel Appear On Signature Page 13 14 UNITED STATES DISTRICT COURT 15 NORTHERN DISTRICT OF CALIFORNIA 16 SAN JOSE DIVISION 17 HERBALIFE INTERNATIONAL, INC., 18 Plaintiff, 19 V. 20 UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, 21 Defendants. 22 Defendants. 23 Defendants. 24 DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	6		*ORDER E-FILED 5/10/06*	
8 San Diego, CA 92130-2081 Telephone: (858) 678-5070 Facsimile: (858) 678-5099 10 Attorneys for Plaintiffs UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, and NEW YORK MEDICAL COLLEGE 12 Additional Counsel Appear On Signature Page 13 UNITED STATES DISTRICT COURT 15 NORTHERN DISTRICT OF CALIFORNIA 16 SAN JOSE DIVISION 17 HERBALIFE INTERNATIONAL, INC., Plaintiff, 9 v. 20 UNITHER PHARMA, INC., THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. 21 Defendants. 22 DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	7	FISH & RICHARDSON P.C.		
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STANFORD JUNIOR UNIVERSITY and NEW YORK MEDICAL COLLEGE, Defendants. BRIEFING SCHEDULE ON MOTION FOR PROTECTIVE ORDER AND ORDER (CIVIL LOCAL RULE 6-2) DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT)	20		STIPULATED REQUEST FOR	
Defendants. Defendants. Defendants. Defendants. DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT) MODIFIED BY THE COURT)	21	STANFORD JUNIOR UNIVERSITY and	BRIEFING SCHEDULE ON MOTION	
DATE: MAY 22, 2006 (requested) TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT) 28	22	,	AND ORDER	
TIME: TBD HONORABLE HOWARD R. LLOYD (MODIFIED BY THE COURT) 28	23	Defendants.	,	
26 (MODIFIED BY THE COURT) 27 28	24			
27 28	25		HONORABLE HOWARD R. LLOYD	
28			(MODIFIED BY THE COURT)	
	27			
	28	STIPULATED REQUEST FOR EXPEDITED		

STIPULATED REQUEST FOR EXPEDITED HEARING & BRIEFING SCHEDULE

UNITHER PHARMA, I OF TRUSTEES OF TH	E LELAND	
STANFORD JUNIOR UNEW YORK MEDICAL	JNIVERSITY, and L COLLEGE,	
Plaint	riffs,	
v.		
HERBALIFE INTERNA	ATIONAL, INC.,	
Defer	ndant.	
WHEREAS, Uni	ther Pharma, Inc., The	Board of Trustees of The Leland Stanford Junior
University, and New York Medical College (collectively "Unither") noticed the Rule 30(b)(6)		
deposition of Herbalife International, Inc. ("Herbalife") to take place May 10 and May 12, 2006		
in the above-captioned matters;		
WHEREAS, Herbalife intends to move this Court on May 8, 2006 for a protective order		
precluding Unither from proceeding with certain topics (the "Motion");		
WHEREAS, Civil Local Rule 7-2 requires that all motions must be filed, served and		
noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days		
after service of the motion	on;	
WHEREAS, a fu	lly noticed motion und	ler Civil Local Rule 7-2 would not allow for a
ruling on the disputed discovery request prior to the close of fact discovery in this matter;		
WHEREAS, the	parties believe it will b	penefit all parties and that good cause exists to have
the Motion resolved on an expedited basis, prior to the close of fact discovery in this matter;		
WHEREAS, the	parties have agreed to	a modified, expedited briefing schedule for the
Motion;		
WHEREAS, the	parties have met and c	onferred and, pursuant to Civil L.R. 6-2 and 7-11.
IT IS HEREBY STIPUI	ATED by and between	n the parties, through their respective counsel of
record that:		
1. Herbalife		e Motion on May 8, 2006.

1	2. Unither shall file and serve its	s papers in opposition to the Motion on or before		
2	May 11, 2006.			
3	3. Herbalife shall file and serve reply papers in support of the Motion, if any, on or			
4	before May 15, 2006.	before May 15, 2006.		
5	4. The Parties respectfully request that the hearing on the Motion take place on			
6	May 22, 2006 (or as soon thereafter as is con	May 22, 2006 (or as soon thereafter as is convenient for the Court).		
7	IT IS SO STIPULATED.			
8	Dated: May 8, 2006	By:		
9		Daniel J. Bergeson (Bar No. 105439)		
10		Hway-ling Hsu (Bar No. 196178) BERGESON, LLP		
11		303 Alamaden Boulevard, Suite 500 San Jose, CA 95110		
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14		James W. Dabney (pro hac vice)		
15		Stephen S. Rabinowitz FRIED, FRANK, HARRIS, SHRIVER &		
16		JACOBSON, LLP One New York Plaza		
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19		rabinst@ffhsj.com		
20		Laura A. Coruzzi (<i>pro hac vice</i>) JONES DAY 222 East 41 st Street		
21		New York, NY 10017		
22		Telephone: (212) 326-3939 Facsimile: (212) 755-7306		
23		lacoruzzi@jonesday.com Attorneys for HERBALIFE		
24		INTERNATIONAL, INC.		
25				
26				
27				
28	STIPULATED REQUEST FOR EXPEDITED			

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1	Dated: May 8, 2006 By:	K Cl Bourd	
2	2	a Brooks (SBN 75934)	
3	Carlyn	Hacker (SBN 227851) RICHARDSON P.C.	
4	12390	El Camino Real	
5	5 Teleph		
6		s@fr.com	
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8	B Limin	I. Boyd (SBN 189808) Zheng (SBN 226875) & RICHARDSON P.C.	
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10	Teleph Facsin	none: (650) 839-5070	
11		fr.com @fr.com	
12		eys for Plaintiffs	
13	B UNITI	HER PHARMA, INC., THE BOARD OF TEES OF THE LELAND STANFORD	
14	JUNIO MEDI	OR UNIVERSITY, and NEW YORK CAL COLLEGE	
15	Herbalife's motion for protective order will be heard on May 23, 2006, 10:00 a.m. in Courtroom		
16	2. The parties shall otherwise proceed as set forth in t	heir stipulation.	
17	PURSUANT-TO-STIPULATION,		
18	IT IS SO ORDERED.	1 ()	
19		ED ST. TES MAGISTRATE JUDGE	
20		HOWARD R. LLOYD	
21			
22			
23	3		
24	4		
25	5		
26	5		
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28			
	STIPULATED REQUEST FOR EXPEDITED HEARING		